

Message Text

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S E C R E T ANKARA 9303

E.O. 11652: XGDS-3 INDEFINITE

TAGS: MARR, TU

SUBJ: I.A. NEGOTIATIONS: PRIVATE MEETING U.S. AND TURKISH

CHAIRMEN: AIR TECH

REF: A. ANKARA 8389

B. STATE 242604

C. ANKARA 7948

1. DURING PRIVATE MEETING AT FOREIGN MINISTRY NOVEMBER 16, 1974, REQUESTED BY TURKISH CHAIRMAN ASULA TO DISCUSS VARIOUS MATTERS INCLUDING I.A.'S, HE AGAIN ASKED IF U.S. CHAIRMAN GARDNER HAD ANYTHING NEW TO SAY ON AIR TECHNICAL I.A. PARTICULARLY ON THE ISSUE OF THIRD COUNTRY FLIGHTS.

2. U.S. CHAIRMAN REVIEWED USG POSITION ON AIR TECH EMPHASIZING THAT USG NOT WILLING TO MAKE CONCESSIONS ON THE REMAINING ISSUES IN AIR TECH BECAUSE OF THE SERIOUS PRECEDENTIAL AND SUBSTANTIVE IMPACT INVOLVED IN SUCH CONCESSIONS. IF PROGRESS COULD BE MADE ON OTHER

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HARD CORE ISSUES SUCH AS STATUS OF BALGAT

PRE CEDENTIAL IMPACT OF CONCESSIONS ON AIR TECH WOULD BE SOFTENED AND WE COULD AT THE TIME TAKE NEW LOOK AT TURKISH AIR TECH PROPOSALS. AS OF NOW, HOWEVER, USG HAD TWO BASIC PROBLEMS WITH TURKISH POSITION ON DELETION OF THIRD COUNTRY FLIGHTS FROM I.A.: 1) DELETION BASED ON UNACCEPTABLE PREMISE THAT I.A., AND BY IMPLICATION THE DCA, ARE LIMITED TO PURELY NATO ACTIVITIES; 2) DELETION REOPENED PREVIOUSLY AGREED TEXT. THIRD PARTY CLAIMS ISSUE WAS LESS A PROBLEM BUT RESOLUTION WAS MADE MUCH MORE DIFFICULT BY TURKISH CHAIRMAN'S INSISTANCE ON LINKING THIRD COUNTRY FLIGHT ISSUE TO IT.

3. TURKISH CHAIRMAN INDICATED THAT HE WAS UNDER CONSIDERABLE PRESSURE TO GET ON WITH AIR TECH AND COULD NOT AWAIT RESOLUTION OF OTHER I.A. ISSUES. HE SUGGESTED THAT TURKS MIGHT BE ABLE TO ACCEPT RETENTION OF THIRD COUNTRY FLIGHTS IN AIR TECH IF LANGUAGE MADE CLEAR THAT SPECIAL APPROVAL PROCEDURES THROUGH FOREIGN MINISTRY WERE REQUIRED (TO BE SET FORTH IN SEPARATE EXCHANGE OF NOTES) AND THAT USG ACCEPTED 100 PERCENT LIABILITY FOR THIRD PARTY CLAIMS ARISING FROM ACCIDENTS INVOLVING SUCH FLIGHTS. ON NATO FLIGHTS, TURKS COULD ACCEPT LANGUAGE ESTABLISHING STANDARD NATO/SOFA CLAIMS SETTLEMENT FORMULA OF 75 PERCENT - 25 PERCENT AS FLOOR WITH PROVISIO THAT USG WOULD CONSIDER TURKISH REQUESTS FOR LARGER SETTLEMENTS DEPENDING ON CIRCUMSTANCES. TURKS STILL FELT THAT THEY COULD NOT UNDERWRITE 25 PERCENT OF THE CLAIMS ARISING FROM A MAJOR AIR DISASTER.

4. TURKISH CHAIRMAN NOTED THAT ONLY OTHER IMPORTANT ISSUE IN AIR TECH WAS LANDING AND PARKING FEE EXEMPTION. TURKS REGARDED THESE FEES AS PAYMENTS FOR SPECIAL SERVICES AND NOT TAXES COVERED BY TAX RELIEF AGREEMENT. U.S. CHAIRMAN RESPONDED THAT ENGLISH TEXT OF TAX RELIEF AGREEMENT WAS CLEAR AS A BELL ON EXEMPTION OF U.S. MILITARY AIRCRAFT FROM LANDING AND PARKING FEES. USG COULD NOT CONSIDER PAYING FEES EXEMPTED BY AGREEMENT AS THAT WOULD UNDERCUT OTHER EXEMPTIONS PRESENTLY ACCORDED U.S.

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BY TURKEY AND OTHER COUNTRIES.

5. TURKISH CHAIRMAN OPINED THAT IF LANDING AND PARKING FEE EXEMPTIONS WERE DELETED FROM AIR TECH, U.S. MILITARY AIRCRAFT WOULD BE CHARGED ONLY FOR LANDING AT YESILKOY (ISTANBUL AIRPORT) EVERY TWO YEARS. (HE APPEARED TO BE REFERRING TO NATO EXERCISE DEEP FURROW. TURKS HAVE NEVER ABANDONED THEIR CLAIM FOR LANDING AND PARKING

FEEES INVOLVED IN DEEP FURROW 1969.) U.S. CHAIRMAN
EXPRESSED VIEW THAT ABANDONING EXEMPTION WOULD EXPOSE
ALL U.S. MILITARY AIRCRAFT TO LANDING AND PARKING FEES
AT ALL TURKISH CIVIL AIRPORTS.

6. COMMENT: ASULA'S SUGGESTION THAT TURKS COULD
ACCEPT RETENTION OF THIRD COUNTRY FLIGHTS IN I.A. WAS
STEP FORWARD. LANGUAGE ON SPECIAL PROCEDURES INVOLVING
FOREIGN MINISTRY APPROVAL SHOULD BE NO PROBLEM SINCE
THAT WOULD FOLLOW ACTUAL PRACTICE. CLAIMS POSITION
REMAINS GREATEST PROBLEM SINCE TURKS HAVE INDICATED
THAT THEY WILL NOT BUDGE FROM REQUIREMENT THAT USG
COMMIT ITSELF TO 100 PERCENT SETTLEMENT OF CLAIMS ARISING
FROM ACCIDENTS INVOLVING THIRD COUNTRY FLIGHTS. ON
OTHER HAND CONCEPT OF USING NATO/SOFA 75 PERCENT - 25 PERCENT
CLAIMS SETTLEMENT PROVISIONS AS FLOOR FOR SETTLEMENT
OF CLAIMS ARISING FROM ACCIDENTS INVOLVING SO-CALLED
NATO FLIGHTS SEEMS WORKABLE IF DEFINITION OF "NATO FLIGHT"
SUFFICIENTLY BROAD. WASHINGTON COMMENTS ON POSSIBLE
APPROACHES TO RESOLVE CLAIMS SETTLEMENT ISSUE WOULD BE
APPRECIATED.

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